



**US Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to:

Public Notice No. 200300739

Issuance Date:

March 15, 2004

Stream:

Expiration Date:

UT North Fork of Indiana Run April 14, 2004

Address comments to:

US Army Corps of Engineers, Huntington District

602 Eighth Street

ATTN: CELRHE

Huntington, West Virginia 25701-2070

TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the Ohio Environmental Protection Agency to act on Section 401 Water Quality Certification for the following application:

APPLICANT: Tartan Development Company
8070 Tartan Fields Drive
Dublin, Ohio 43017

LOCATION: The project is located south of McKittrick Road and east of Hyland-Croy Road in the City of Dublin, Union County, Ohio. The 251-acre parcel contains several unnamed tributaries to the North Fork of Indian Run. The North Fork of Indian Run is a tributary to the Scioto River.

DESCRIPTION OF PROPOSED WORK: The applicant proposes to place fill material into waters of the United States in conjunction with the construction of the Tartan West Residential Community. The purpose of the project is to develop a residential community of single family homes, condominiums and an athletic/fitness center. The proposal would include the placement of approximately 1000 cubic yards of fill material into 1,014 linear feet of intermittent streams, 80 linear feet of ephemeral streams and 1.0-acre of jurisdictional wetlands. In addition, approximately 350 linear feet of stream channel will be relocated using natural channel design principles.

MITIGATION PLAN: To compensate for impacts to 1.0-acre of jurisdictional wetlands, the applicant has reserved 1.7-acres of wetland bank credits at the Wetlands Resource Center's Little Scioto Mitigation Bank site. This represents a 1.7:1 mitigation ratio. The remaining 0.29-acre of on-site jurisdictional wetlands will be protected by a Conservation Easement.

Stream mitigation is proposed through permanent preservation of approximately 6,159 linear feet of stream and associated riparian buffer areas by a Conservation Easement, and through the construction of approximately 1.4-acres of vegetated wetlands within 15-acres of stormwater detention basins. The wetland basins are intended to be part of the mitigation for impacts to stream water quality and are not intended to compensate for wetland impacts.

Preserved streams, their associated riparian corridor, and preserved wetlands will be placed within a Conservation Easement to be held by The Land Conservancy of Ohio and/or a deed restriction on land donated to the City of Dublin. Conservation Easements will stipulate a 25-foot vegetative buffer on each side of the remaining streams and a 30-foot setback around all remaining wetlands.

Because the proposed project would impact special aquatic sites (wetlands), the applicant must provide an alternative analysis that discusses options that would not impact these sites. The project does not require access to or sitting within the wetlands to fulfill its basic purpose and is considered a non-water dependent activity. The Section 404(b)(1) Guidelines state that for non-water dependent activities, practicable alternatives that do not involve wetlands are presumed to be available unless clearly demonstrated otherwise. The applicant is required to provide an alternative analysis that must overcome the presumption prior to receiving authorization for the placement of fill material. The applicant has prepared and submitted the required alternative analysis, which is currently under review.

WATER QUALITY CERTIFICATION: A Section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain the certification from the Ohio Environmental Protection Agency.

HISTORIC AND CULTURAL RESOURCES: The National Register of Historic Places has been consulted and it has been determined that there are no historic or architectural properties currently listed on the register that are in the area affected by the project. A copy of this public notice will be furnished to the Ohio State Historic Preservation Office for their review. A copy of the Phase I Cultural Resources Report was submitted to the Ohio state Historic Preservation Office on January 26, 2004. Comments concerning archeological sensitivity of a project area should be based upon collected data.

ENDANGERED AND THREATENED SPECIES: The project is located within the known or historic range of the following endangered species:

Indiana bat
Northern monkshood
Clubshell mussel

The Huntington District has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

PUBLIC INTEREST REVIEW: Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity.

Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact


including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, Flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Persons wishing to submit comments, objections, or requests for public hearings concerning the Corps of Engineers permit should write:

U.S. Army Corps of Engineers
Attn: CELRH-OR-FN Public Notice No. 200300739
502 Eighth Street
Huntington, WV 25701-2070

If you have any questions concerning this public notice, please contact David Frantz of the North Regulatory Section at (304) 399-5210.


Ginger Mullins, Chief
Regulatory Branch

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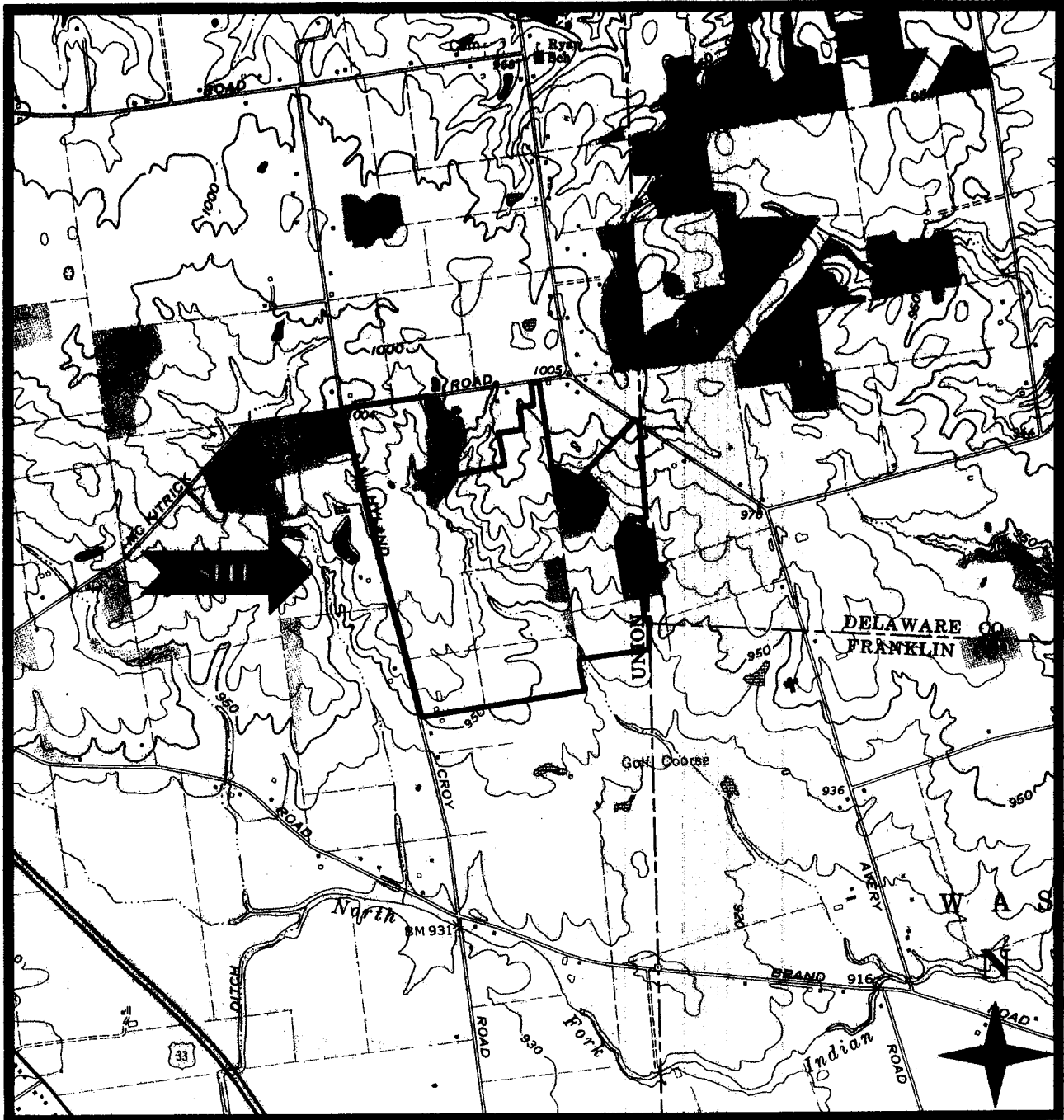
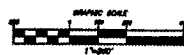
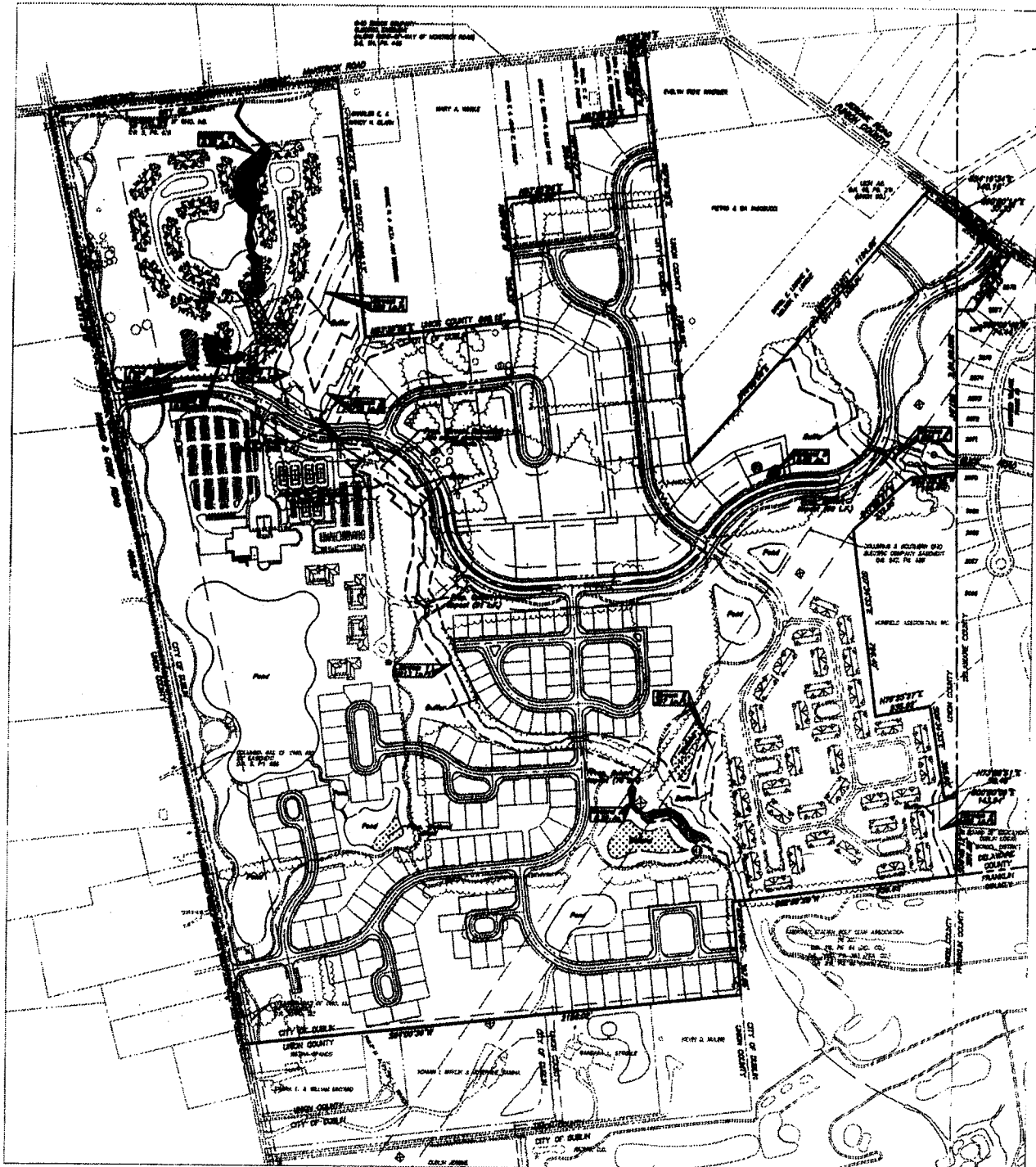


FIGURE 2 of 7
USGS Topographical Map
1"= 2000'
Shawnee Hills, Ohio (photoinspected 1980)

WETLAND SURVEY FOR:
TARTAN WEST
 LOCATED IN:
 VIRGINIA MILITARY SURVEY NOS. 3453 & 6953
 CITY OF DUBLIN, COUNTY OF FRANKLIN, STATE OF OHIO
 PREFERRED DESIGN



LEGEND

PRESERVED WETLAND		WETLAND SHELF	
WETLAND TO BE FILLED		EXISTING POND TO REMAIN	
STREAM TO BE FILLED		PROPOSED POND	

Figure 3 of 7
 Preferred Design

TARTAN DEVELOPMENT COMPANY (WEST)

8070 BIRCHFIELD DRIVE
 DUBLIN, OHIO 43017

BY:
EMHT.
 ENGINEERING & ARCHITECTURE
 10000 BIRCHFIELD DRIVE
 DUBLIN, OHIO 43017
 DATE: APRIL 2, 2001

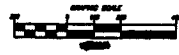


WETLAND SURVEY FOR:
TARTAN WEST
 LOCATED IN:
 VIRGINIA MILITARY SURVEY NOS. 3453 & 6953
 CITY OF DUBLIN, COUNTY OF FRANKLIN, STATE OF OHIO
 PREFERRED DESIGN



1
1 MATCH

2
2 MATCH



LEGEND

PRESERVED WETLAND		WETLAND SHIELD	
WETLAND TO BE FILLED		EXISTING POND TO REMAIN	
STREAM TO BE FILLED		PROPOSED POND	

PREPARED FOR:
TARTAN DEVELOPMENT COMPANY (WEST)
 8000 BROWN PLEAS DRIVE
 DUBLIN, OHIO 43017

BY:
EMHT.
 ENGINEERING
 10000 BROWN PLEAS DRIVE
 DUBLIN, OHIO 43017

Figure 4 of 7



TARTAN WEST

LOCATED IN:
VIRGINIA MILITARY SURVEY NOS. 3453 & 6953
CITY OF DUBLIN, COUNTY OF FRANKLIN, STATE OF OHIO
PREFERRED DESIGN

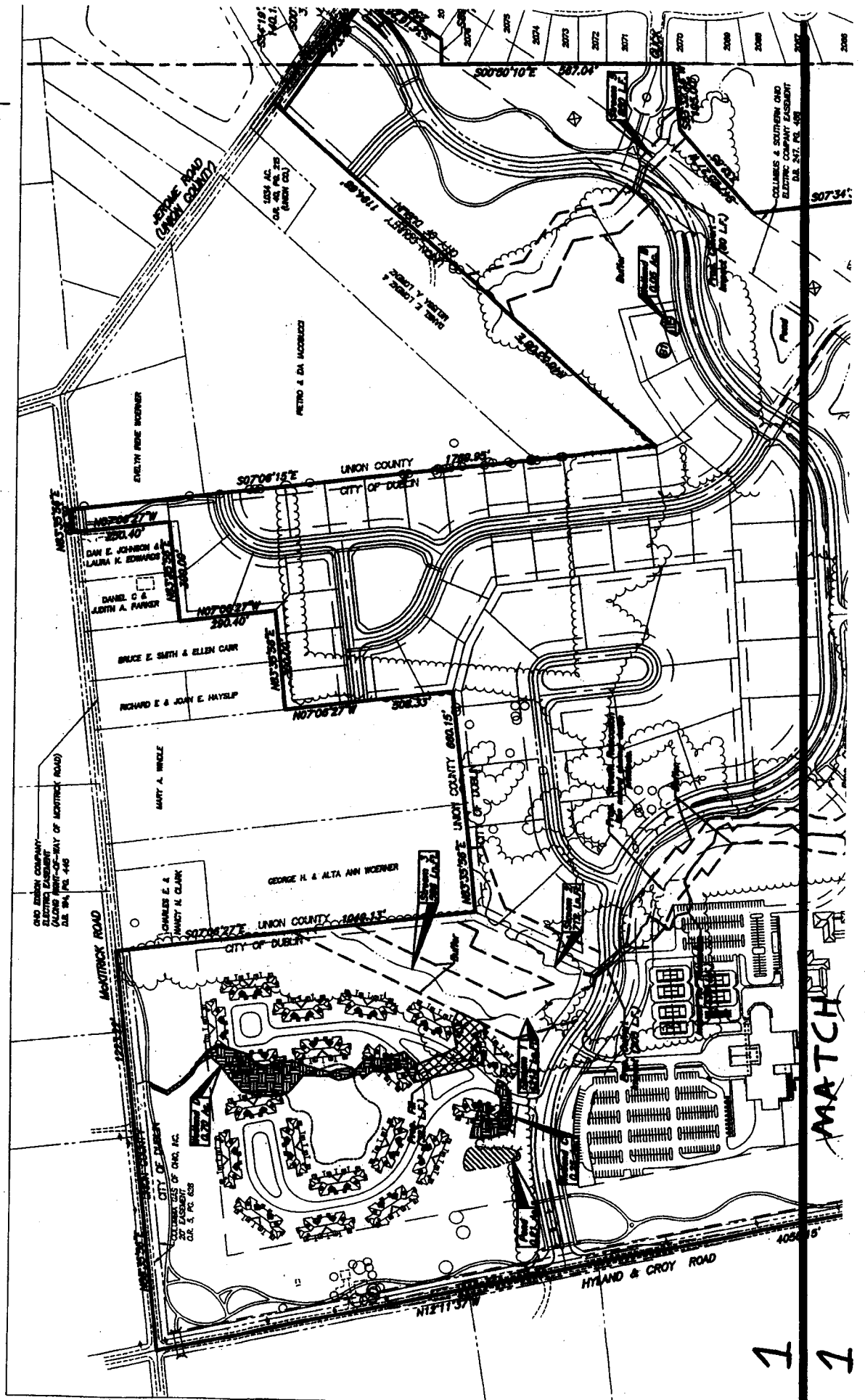


Figure 5 of 7

